

application could be infringed by a system lacking the optical isolation assembly that prevents feedback into the optical amplifier that the claims of U.S. Patent No. 6,122,060 require.

Applicant respectfully submits that Claims 9 - 25 as presented differ from those claims contained within U.S. Patent No. 6,122,060. Specifically, the instant claims could be literally infringed without literally infringing the claims of U.S. Patent No. 6,122,060. As the instant application and U.S. Patent No. 6,122,060 currently fail to claim the same invention twice, Applicant respectfully requests that the rejection of statutory double patenting under 35 USC §101 be withdrawn.

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed June 3, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

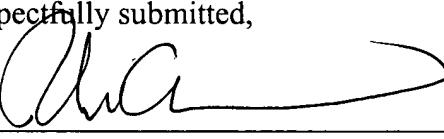
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 9-27.

While Applicants believe no fee is due with this transmission, if any fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-2240 of Koestner Bertani.

Respectfully submitted,

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Dated: September 3, 2004

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